



Entered on Docket
March 10, 2008

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC.²

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR¹
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
RIVIERA - HOMES FOR AMERICA
HOLDING LOAN**

Date of Hearing: February 21, 2008

Time of Hearing: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Riviera – Homes for America Holding Loan (the "Objection") [DE
4 5626]. Adequate notice of the Objection was given. The Court heard the Objection on
5 February 21, 2008. No responses were filed to the Objection and no opposition was raised
6 at the hearing. Good cause appearing,

7 IT IS ORDERED:

8

- 9 • Sustaining the Objection;
- 10 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
11 are based upon an investment in the Riviera – Homes for America Holding
12 Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to
13 the extent they are based upon an investment in a loan(s) other than the Riviera
14 – Homes for America Holding Loan; and
- 15 • Reserving the right of any party in interest, including the USACM Trust, to
further object to the Proofs of Claim listed on Exhibit A attached.

16 #####

17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#0006593)
20 Susan M. Freeman
21 Rob Charles
22 John Hinderaker
23 *Attorneys for USACM Liquidating Trust*

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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 The Court waived the requirements of LR 9021.
- 4 I have delivered a copy of this proposed order to all attorneys and unrepresented
5 parties who have appeared at the hearing regarding this matter and/or who filed
a written objection and each has:
 - 6 approved the form of this order;
 - 7 waived the right to review the order;
 - 8 failed to file and serve papers in accordance with LR 9021(c); and/or
 - 9 failed to sign and return this proposed order within five (5) business days
in accordance with LR 9021(b).
- 10 I have delivered a copy of this proposed order to all attorneys and unrepresented
11 parties who appeared at the hearing regarding this matter and/or who filed a
12 written objection and all have either approved the form of this order, waived the
right to review the order, failed to file and serve papers in accordance with LR
9021(c) and the following have disapproved the form of the order.
- 13 No opposition was filed and no other party or counsel appeared at the hearing.

15 **LEWIS AND ROCA LLP**

16 By: /s/ RC (#0006593)
17 Susan M. Freeman
18 Rob Charles
19 John Hinderaker
20 *Attorneys for USACM Liquidating Trust*

EXHIBIT A

HFA – Riviera
 Third Omnibus Objection
 Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the HFA - Riviera Loan
10725-00863	Rocklin/Redding LLC	Stephen R. Harris, Esq. Belding Harris & Petroni LTD. 417 W. Plumb Lane Reno, NV 89509	2,000,000.00	unspecified
10725-02135	Schoonover Family Trust DTD 2/23/04	Edward L and Susan A Schoonover Co-Trustees 11044 East Nopal Avenue Mesa, AZ 85209	134,724.50	50,000.00
10725-02428	Tiki Investment Enterprises LP	2578 Highmore Ave Henderson, NV 89052	1,200,128.00	200,000.00
10725-01885	Melody J. Violet	P.O. Box 2201 Vista, CA 92085	unliquidated	unliquidated
10725-02032	Ruth Zimmerman and Moshe Kirsh JTWROS	15721 Milbank St Encino, CA 91436	122,155.97	70,000.00
10725-02033	Ruth Zimmerman and Moshe Kirsh JTWROS	15721 Milbank St Encino, CA 91436	122,155.97	70,000.00